

REMARKS**Status of the Claims**

Claims 1-7, 9, 11, 13 and 15 have been rejected. Claims 1-7, 11, 13 and 15 have been amended with no new matter added. Claim 16 has been cancelled without prejudice or disclaimer of the subject matter therein. Claim 17 has been added. Support for claim 17 can be found, for example, in the Specification at page 7, line 6 and page 8, line 17. Claims 1-7, 9, 11, 13, 15 and 17 are pending in this application. Claims 1-7, 11, 13 and 15 have been objected to by the Examiner. Applicants have amended the claims to correct the informalities noted by the Examiner.

Status of the Specification

The title has been objected to for informal matters and has been amended to correct the informalities noted by the Examiner.

Claim Rejections-35 U.S.C. §112

Claims 4 and 15 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 has been amended to recite the limitation “non-magnetic grain boundaries” in line 9. Therefore, Applicants request that this rejection be withdrawn.

Claim Rejections-35 U.S.C. §103

Claims 1, 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,403,240 to Kanbe et al. (“Kanbe”) in view of U.S. Patent No. 6,069,820 to Inomata et al.

Furthermore, even if the degree of vacuum disclosed by Takahashi was assumed to be the partial pressure of water, a person of ordinary skill in the art would have no motivation to sputter at a pressure lower than that taught by Takahashi for increasing the vacuum of a process increases the manufacturing cost of the product. Lowering the operating pressure of a system increases the pumpdown time to reach the required base pressure and may necessitate the use of more expensive equipment. In view of the arguments above, Kanbe, Inomata, and Takahashi, taken alone or in combination, do not teach or suggest all of the claimed elements of the present invention.

Claims 1, 3-4 and 6 are also rejected as being obvious over U.S. Patent No. 6,383,404 to Sakai et al. ("Sakai") in view of Takahashi. The Examiner states that Sakai discloses all the elements of the claimed invention except laminating in a vacuum. For the reasons given above, Takahashi does not teach or suggest sputtering in an atmosphere having a partial pressure of water of 2×10^{-10} Torr or below. Further, Sakai is silent regarding the sputtering atmosphere having a partial pressure of water, as stated by the Examiner. Consequently, Sakai and Takahashi, taken alone or in combination, do not teach or suggest the claimed invention.

Claims 2, 9 and 13 are also rejected as being obvious over Sakai in view of Takahashi, as applied above, further in view of Japanese Patent Application No. 63317922 ("JP '922"). The Examiner admits the teachings of Sakai and Takahashi do not teach the hexagonal closed-packed crystal structure of the non-magnetic intermediate layer as recited in the present invention. The Examiner relies on JP '922 for the teaching of process of making a magnetic recording medium including the non-magnetic intermediate layer made of Cr and/or Mo having a hexagonal close-packed crystal structure. However, as discussed above, Takahashi fails to teach the sputtering in an atmosphere having a partial pressure of water of 2×10^{-10} Torr or below and hence Sakai,

